

**REMARKS**

This Application has been carefully reviewed in light of the final Office Action mailed December 28, 2004 (the "Office Action"). Applicants respectfully request reconsideration and favorable action in this case.

**Section 103 Rejections - Bruno**

The Examiner rejects Claims 1-2, 4, 8-9 and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,563,882 issued to Bruno et al. ("*Bruno*"). Applicants respectfully traverse these rejections.

Claim 1 is directed to a method for allocating a plurality of call resources during a conference call and recites "conducting a conference call between three or more clients using a first call resource," "identifying a second call resource available to conduct the conference call" and "transferring the conference call from the first call resource to the second call resource." Claim 21 recites similar elements.

The Office Action states that *Bruno* does not teach transferring a conference call between three or more clients to a second call resource. *See* Office Action, page 2. In response to Applicants' previous comments concerning this rejection, the Office Action states:

Bruno teaches converting an on going point-to-point conference call to a multiparty bridged conference call without disturbing the on going conference call. That is, the reference teaches converting a conference call based on the needed resource. If a bridge becomes needed for a conference call, then the conferencing call is converted to a bridge. While not explicitly taught by Bruno, if in an on going multiparty bridged "conference call between three or more clients using [a] first call resource" (bridge), one of three clients drops out from the conference, then a bridge ("first call resource") will no longer be needed, and the remaining two clients may obviously be converted to the "direct" point-to-point connection. The advantage of doing so is to free the resource (bridge) when it is not needed.

Office Action, page 3. First, *Bruno* does not teach converting a "conference call" based on a needed resource as the Office Action suggests. *Bruno* teaches a process for converting a point-to-point multimedia call to a bridged multimedia call. *See Bruno*, Abstract. A point-to-

point call is an exchange of data between two users or participants. *See Bruno*, col. 2, lines 64-66. A conference call involves three or more users. Thus, *Bruno* does not teach the conversion of any type of "conference call" as the Office Action suggests.

Furthermore, as quoted above, to get around the fact that *Bruno* does not teach each claim element, the Office Action discusses a situation in which, in an ongoing multiparty bridged conference call between three or more clients, one party drops out and the two clients may be converted to a direct point-to-point connection. *See Office Action*, page 3. The Office Action admits that this scenario is not taught by *Bruno*. *See id.* Moreover, there is no suggestion or motivation anywhere in Bruno for this situation. The Office Action's application of *Bruno* to some elements of Claim 1 alleges that *Bruno's conversion of a point-to-point call to a bridged call* teaches some elements of Claim 1. *See Office Action*, page 2. For example, the Office Action alleges that in the *Bruno* conversion process the determination as to the availability of desired number of MCU ports teaches the claimed identification of a second call resource available to conduct the conference call. *See id.* Yet, as indicated above, in an attempt to get over the fact that *Bruno* does not teach each claim element, the Office Action turns around discusses a hypothetical scenario not taught in any cited art in which a bridged conference call would be converted to a point-to-point call. This is discussed despite the Office Action's previous reliance on the conversion of a point-to-point call to a bridged call to teach some elements of Claim 1. Such a conversion of a bridged call to a point-to-point call would make irrelevant the Office Action's application of *Bruno* to other elements of Claim 1 as discussed above.

Therefore, *Bruno* does not disclose, teach or suggest each element of Claim 1 and 21. Moreover, as discussed above, there is no suggestion or motivation to make any kind of modification in *Bruno* that would obviate the claim elements. In addition, *Bruno* teaches a process for converting a point-to-point multimedia call to a bridged multimedia call. As discussed in Applicants' previous response filed August 20, 2004, any modification of *Bruno* to make its original point-to-point call a conference call as previously suggested by the Examiner would make *Bruno* inoperable unsatisfactory for its intended purpose and would

change its principle operation. Moreover, as discussed by Applicants in that response, there is no proper motivation to make such a modification.

Therefore, for at least the reasons discussed above, Applicants respectfully submit that Claims 1 and 21 are patentable over the cited art used in the rejection and request that the rejections of Claims 1 and 21 be withdrawn.

Claims 2, 4 and 8-9 each depends, either directly or indirectly, from Claim 1 and therefore includes each element of Claim 1. Applicants thus respectfully request that the rejections of Claims 2, 4 and 8-9 be withdrawn because, as discussed above, Claim 1 is patentable over the cited art used in the rejections.

In addition, the Office Action does not address Applicants previous comments regarding the rejection of Claim 2. Claim 2 recites "modifying synchronization information in the second mixed media stream to match synchronization information in the first mixed media stream." The Office Action suggests that *Bruno* discloses this element. *See* Office Action, page 4. However, *Bruno* discloses "reformatting [an] MCU-connected second bearer channel . . . into a format identical to that of the first bearer channel, i.e., to a format for carrying audio, data and a small amount of video information." *Bruno*, col. 6, lines 49-53. "Once reformatting is complete, the information or data bit streams carried by the still-connected point-to-point first bearer channel are duplicated on the newly reformatted second bearer channel now connected between workstation 12a and MCU 36." *Id.*, col. 6, lines 53-57. The mere reformatting of a channel into a format for carrying audio, data and a small amount of video information does not disclose modifying synchronization information. In addition, duplicating a data bit stream carried by one channel on another channel does not disclose modifying synchronization information in a second mixed media stream to match synchronization information in a first mixed media stream. For example, there is no disclosure in Bruno that synchronization information is modified. Applicants note that to support a rejection based on disclosure of claim limitations,, each and every limitation must be found in a reference, and "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed.

Cir. 1989) (emphasis added). Thus, for at least these additional reasons, Applicants respectfully submit that Claim 2 is patentable over the cited art used in the rejection and request that the rejection of Claim 2 be withdrawn.

In addition, the Office Action does not address Applicants previous comments regarding the rejection of Claim 4. Claim 4 recites "instructing the second call resource to adjust synchronization information in the second mixed media stream." The Office Action suggests that *Bruno* discloses this element in the disclosure of reformatting a second bearer channel into a format identical to that of a first bearer channel. *See* Office Action, pages 4-5. However, merely reformatting a bearer channel into a format identical to another channel does not provide the necessary disclosure of instructing a second call resource to adjust synchronization information in a second mixed media stream. Thus, for at least these additional reasons, Applicants respectfully submit that Claim 4 is patentable over the cited art used in the rejection and request that the rejection of Claim 4 be withdrawn.

#### **Section 103 Rejections - Bruno-Casper/Logston/Roy/Biggs/Wu**

The Examiner rejects Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* in view of U.S. Patent No. 4,477,895 issued to Casper et al. ("*Casper*"). The Examiner rejects Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* in view of U.S. Patent No. 5,467,342 issued to Logston et al. ("*Logston*"). The Examiner rejects Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* in view of U.S. Patent No. 6,081,513 issued to Roy ("*Roy*"). The Examiner rejects Claims 7 and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* in view of U.S. Patent No. 5,625,407 issued to Biggs et al. ("*Biggs*"). The Examiner rejects Claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* in view of *Biggs* and in further view of U.S. Patent No. 6,275,575 issued to Wu ("*Wu*"). Applicants respectfully traverse these rejections.

Claims 3 and 5-7 each depends, either directly or indirectly, from Claim 1 and therefore includes each element of Claim 1. Applicants thus respectfully request that the rejections of Claims 3 and 5-7 be withdrawn because, as discussed above, Claim 1 is patentable over the cited art used in the rejections.

Claim 10 is directed to a communication system comprising three or more clients operable to coupled to a packet-based network and operable to initiate or join a conference call, a first call resource, a second call resource and a media gateway operable to transfer the conference call from the first call resource to the second call resource without suspending communication of a plurality of mixed media streams received by the clients. The Office Action applies *Bruno* in a similar manner as discussed above with respect to Claim 1 in rejecting Claim 10. Therefore, for at least the reasons discussed above with respect to Claim 1, Applicants respectfully submit that Claim 10 is patentable over the cited art used in the rejections and request that the rejection of Claim 10 be withdrawn.

Claims 19 and 20 each depends, either directly or indirectly, from Claim 10 and therefore includes each element of Claim 10. Applicants thus respectfully request that the rejections of Claims 19 and 20 be withdrawn because, as discussed above, Claim 10 is patentable over the cited art used in the rejections.

#### **Other Claims**

The Examiner rejects Claims 11-18 for reasons analogous to those presented with respect to Claims 2-9. The Examiner rejects Claims 22-29 for reasons analogous to those presented with respect to Claims 2-9. The Examiner rejects Claims 30-38 for reasons analogous to those presented with respect to Claims 1-9. The Examiner rejects Claims 39 and 40 for reasons analogous to those presented with respect to Claims 1 and 2. Applicants respectfully traverse these rejections.

As discussed above, Applicants respectfully submit that Claims 1-9 are patentable over the cited art used in the rejections. Therefore, for at least these reasons, Applicants respectfully submit that Claim 11-18, 22-29, 30-38 and 39-40 are patentable over the cited art used in the rejections and request that the rejections of Claims 11-18, 22-29, 30-38 and 39-40 be withdrawn.

**CONCLUSIONS**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fees are due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants



Chad C. Walters  
Reg. No. 48,022

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**CORRESPONDENCE ADDRESS:**

2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980  
(214) 953-6511

Customer Number: **05073**  
Attorney Docket No: 062891.0472